

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

BARBARA TUCKER

PLAINTIFF

vs.

Civil Action No. 3:04-cv-103WS

WESTERN RESERVE LIFE ASSURANCE
COMPANY OF OHIO and JERRY ALFORD

DEFENDANTS

ORDER DENYING MOTION TO RECONSIDER

Previously this court granted the motion of the plaintiff Barbara Tucker to remand this cause to the Circuit Court of Hinds County, Mississippi. This court found that the plaintiff Tucker had a reasonable basis for recovery in state court against non-diverse defendant Jerry Alford. This court concluded that Alford had not been improperly joined to this action and that this court lacked subject-matter jurisdiction. Now, the defendants have asked this court to reconsider the matter. This court, having reviewed the submissions of the parties on the issue of reconsideration, is persuaded to adhere to its decision to remand this case to state court. Accordingly, this cause is hereby remanded to the Circuit Court of Hinds County, Mississippi, where it originated. The Clerk of Court is directed to return this file to the Circuit Court of Hinds County, Mississippi.

SO ORDERED, this the 9th day of December, 2005.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE